ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Revision of the Commission's	)	CC Docket No. 94-102
Rules to Ensure Compatibility	)	RM-8143
With Enhanced 911 Emergency	)	
Calling Systems	)	

To: The Commission

COMMENTS OF THE
AMERICAN MOBILE TELECOMMUNICATIONS ASSOCIATION, INC.
ON THE CONSENSUS AGREEMENT

Respectfully submitted,

AMERICAN MOBILE TELECOMMUNICATIONS ASSOCIATION, INC.
1150 18th Street, NW, Suite 250
Washington, DC 20036

By: Alan R. Shark
Alan R. Shark, President

Its Counsel

Lukas, McGowan, Nace & Gutierrez, Chartered
1111 19th Street, N.W., Suite 1200
Washington, D.C. 20036
(202) 857-3500

March 4, 1996

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Revision of the Commission's	)	CC Docket No. 94-102
Rules to Ensure Compatibility	)	RM-8143
With Enhanced 911 Emergency	)	
Calling Systems	)	
	)	
The Consensus Agreement	)	
	)	

To: The Commission

FURTHER COMMENTS OF THE
AMERICAN MOBILE TELECOMMUNICATIONS ASSOCIATION, INC.

1. The American Mobile Telecommunications Association, Inc. ("AMTA" or "Association"), in response to the Commission's Public Notice of February 16, 1996, respectfully submits its Further Comments in the above-entitled proceeding.[1] The Federal Communications Commission's ("FCC" or "Commission") seeks comment on the ex parte presentation titled "Public Safety-Wireless Industry Consensus: Wireless Compatibility Issues, CC Docket 94-102".[2] On February 13, 1996, the Cellular Telecommunications Industry Association ("CTIA") and three principal public safety organization -- National Emergency Number Association ("NENA"), Association of Public-Safety Communications Officials ("APCO"), and National Association of State Nine One One Administrators ("NASNA") --

---

[1] "Commission Seeks Additional Comment in Wireless Enhanced 911 Rulemaking Proceeding Regarding 'Consensus Agreement' Between Wireless Industry Representatives and Public Safety Groups, CC Docket No. 94-102", Public Notice, DA 96-198 (Feb. 16, 1996)("Public Notice").

[2] "Public Safety-Wireless Industry Consensus: Wireless Compatibility Issues, CC Docket 94-102," CTIA, NENA, APCO and NASNA (Feb. 13, 1996)("Consensus Agreement").

jointly filed the Consensus Agreement, urging the Commission to adopt their agreement in this proceeding.

2. As articulated in its original comments in this proceeding,[3] the Association urges the Commission to exclude certain Commercial Mobile Radio Services ("CMRS") from this obligation when it is demonstrated that the public interest goals which support the agency's proposal would not be advanced by their inclusion. Specifically, AMTA requests that the FCC exclude "traditional, local area" Specialized Mobile Radio ("SMR") service providers from the requirement to provide subscriber access to 911 emergency services on the same level as wireline callers.[4]

I. INTRODUCTION

3. AMTA is a nationwide, non-profit trade association dedicated to the interests of what heretofore had been classified as the private carrier industry. The Association's members include trunked and conventional 800 MHz and 900 MHz SMR operators, licensees of wide-area SMR systems, and commercial licensees in the 220 MHz band. These members provide commercial wireless services throughout the country, and represent the substantial majority of those two-way private carriers whose systems have been reclassified as CMRS.[5]

---

[3] Comments of the American Mobile Telecommunications Association, Inc., CC Docket No. 94-102 (Jan. 9, 1995).

[4] For the purpose of these comments, AMTA defines "traditional local area" SMR operators as reclassified commercial service providers at 220 MHz, 800 MHz and 900 MHz, excluding so-called 800 MHz "wide-area" SMR operators.

[5] See, Implementation of Sections 3(n) and 332 of the Communications Act, Regulatory Treatment of Mobile Services, GN Docket No. 93-252, Second Report and Order, FCC 94-31, 9 FCC Rcd 1418 (1994)("CMRS 2nd R&O"), Erratum, 9 FCC Rcd 2156 (1990); Implementation of Sections 3(n) and 332 of the Communications Act, Regulatory Treatment of Mobile Services, GN Docket No. 93-252, Third Report and Order, FCC 94-212, 9 FCC Rcd

4. The Association participated in both the Comment and Reply Comment phase of this proceeding. It has examined the proposed "Consensus Agreement" and assumes that the Commission contemplates including most, if not all, CMRS services under its terms. Because mandatory application of the enhanced 911 obligations proposed in the NPRM and Consensus Agreement would have a devastating impact on traditional, local area SMR operators, and may not be achievable within the time periods specified even for wide-area SMR operators, the Association's member have a significant interest in the outcome of this proceeding.

II. BACKGROUND

5. The Commission's primary objective in this proceeding is laudable: to ensure broad availability of 911 and enhanced 911 ("E911") services to users of the public switched telephone network ("PSTN"). The initial Notice of Proposed Rulemaking ("NPRM") proposed that private branch exchanges and other dispersed private telephone systems be made compatible with enhanced 911 emergency services.[6] Additionally, the NPRM proposed to require all Commercial Mobile Radio Services ("CMRS") that offer access to real-time voice services provided on the public switched network to make enhanced 911 services available to their subscribers pursuant to a staged implementation plan.

6. The Consensus Agreement outlines a consensus reached among one industry association and three principal public safety organization on issues regarding wireless

---

____ (adopted Aug. 9, 1994, rel. Sept. 23, 1994)("CMRS 3rd R&O"), Erratum, 9 FCC Rcd ___ (1994).

[6] Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Notice of Proposed Rule Making, CC Docket No. 94-102 (adopted Sept. 19, 1994 and released Oct. 19, 1994)("NPRM").

compatibility with E911 systems. It proposes a two-step implementation schedule for E911. In Phase I, within twelve or eighteen months after the adoption of the Order, the Agreement proposes implementation of cell site information calling party automatic number identification ("ANI"), 911 availability from any service initialized mobile radio handset, 911 access for speech and hearing-impaired callers using text telephone ("TTY") services and call-back capability. Under Phase II, within five years, the Consensus Agreement proposes to require achievement of automatic location of wireless callers within 125 meters, using "Root Mean Square". In addition, the Consensus Agreement requests the Commission: (1) to declare that state and local 911 fees and taxes are not barred as a matter of law and that such fees and taxes should not discriminate between wireline and wireless carriers; and (2) to resolve carrier and public safety legal liability issues.

III. ARGUMENT

A. The FCC Should Exclude "Traditional, Local Area" SMR Providers From the Requirement to Provide Subscriber Access to 911 Emergency Services on the Same Level as Wireline Callers.

7. The importance of 911 and enhanced 911 services to the health and safety of the American public cannot be overstated. The broad availability of wireline access to emergency advise and timely response undoubtedly contributes to the well-being of the population, and further validates our national commitment to universal telephone access.

8. It is also apparent that 911 access from cellular systems is highly valuable. The Commission has noted the increasing number of 911 calls initiated by users of cellular telephones, as well as the rapidly growing number of those subscribers. The practice of using cellular units for that purpose has been encouraged by both local government entities and cellular

operators and has worked effectively, in large part because cellular users view their phones as personal communications devices that are wireless extensions of their own phone systems. The Association applauds the efforts of those groups and of cellular subscribers who have helped avert or alleviate dangerous situations by using their phones for this purpose. To the extent that PCS and wide-area SMR systems offer comparable or even superior service to the public, in terms of the ubiquitous nature of their offerings and the range of communications functions available, AMTA would expect 911 access to play an equally prominent role.

9. By contrast, neither the Commission nor the Consensus Agreement has provided any data supporting a conclusion that users of more business-oriented wireless communications services generally, or traditional, local area SMR systems specifically, have comparable patterns or needs. Unlike cellular service, which is viewed largely an providing an untethered personal phone, SMR service is more typically considered a business tool. The service was created to provide cost and spectrum efficient fleet dispatch service for construction, service and other businesses that require communication between dispatchers and vehicles and among vehicles. Common point interconnection with the PSTN was not authorized for almost a decade after the service was created, and remains generally an adjunct to non-interconnected dispatch usage.

10. Many traditional, local area SMRs have only limited interconnection capability. Some may interconnect as few as one or two of their channels, devoting the remaining capacity to dispatch capability, thereby effectively limiting the number of interconnected units which can actually utilize the system. Most do not prioritize interconnected calls, which means that they are queued up like all other transmissions until a channel is available. For the most part, interconnection with the PSTN is considered an ancillary function which is typically provided

for the convenience of the fleet owner or manager, rather than as an integral part of the SMR service itself.

11. Because traditional, local area SMR service has been a business, rather than personal, communications offering, subscribers use the system differently and have a different perception as to its purpose. Most communications take place between a dispatcher and units dispersed throughout the system's coverage area, or among units in the field. The dispatcher is the user's link to the outside world and is the natural point of contact in the event of an emergency. In some instances, the dispatcher knows the precise location of the calling vehicle and can query the operator as to other specific information. At a minimum, the dispatcher has general knowledge about the unit's location and is in an optimal position to elicit additional data as necessary. In effect, the dispatcher acts as an intermediary Public Safety Answering Point ("PSAP"). These features distinguish traditional, local area SMRs from CMRS offerings such as PCS and cellular, and should be taken into consideration in the Commission's decisions in the instant proceeding.

B. Imposing E911 Compatibility Requirements on Traditional, Local SMRs is Technically and Economically Inappropriate.

12. The Commission has already recognized the technical complexities and related costs associated with imposing enhanced 911 access on CMRS providers.[7] Because wireless units, unlike wired telephone instruments, are not at a predetermined location, providing this capability will require the complex integration of features including Station Number Identification ("SNI"), Automatic Location Information ("ALI"), Selective Routing ("SR"). and others. In fact, the enormity of defining the requirements for and potentially establishing

---

[7] NPRM at ¶¶ 39, 46-7.

standards for this capability on PCS systems prompted the FCC to defer until this proceeding further action on PCS enhanced 911 capability to avoid delaying the implementation of PCS itself.

13. The same issues of complexity and costs are magnified in the context of making traditional, local area SMR systems capable of enhanced 911 access. Today's interconnected SMR systems, except wide-area SMR systems, provide only the most basic of telephone capabilities. SMR switches are not capable of supporting the functions and features currently available on a cellular system, much less those associated with landline central office switches. Equipping a typical SMR system to offer this capability would also necessitate the integration of mapping techniques for locating mobile users. Upgrading these facilities to the level necessary to provide enhanced 911 service would be a technically formidable and prohibitively expensive task.

14. Moreover, the costs associated with these upgrades would have to be borne by a relatively small number of subscribers; typically there are hundreds of units per SMR system by comparison with the millions which may use a cellular system or the tens of millions expected to utilize PCS service. For the reasons described above, the expenses incurred would do little, if anything, to improve access to emergency relief which is already achievable through communications with a dispatcher. It could, however, ultimately increase the costs of the goods and services provided by those who use the SMR system.

15. Alternatively, SMR operators may elect to eliminate the interconnect option altogether rather than provide the capabilities proposed in the NPRM and Consensus Agreement. They would certainly do so if they were required to provide this access to all system users, even

those who have not selected the interconnect option and who, therefore, do not even have mobile equipment with the necessary keypad to initiate an emergency call. Contrary to the intent of the Notice, elimination of the interconnect option would curtail, rather than expand, the communications capabilities of CMRS subscribers with the result of decreasing competition with no countervailing public benefit.

III. CONCLUSION

16. For the foregoing reasons, AMTA urges the Commission to forebear from imposing enhanced 911 obligations on traditional SMR providers, with their business-oriented customer bases, and to focus its efforts instead on achieving more ubiquitous enhanced 911 access on publicly available CMRS systems.

CERTIFICATE OF SERVICE

I, Jacqueline Lynch, a secretary in the law office of Lukas, McGowan, Nace & Gutierrez, hereby certify that I have, on this 4th day of March, 1996, placed in the United States mail, first-class postage pre-paid, a copy of the foregoing Comments to the following:

* Chairman Reed E. Hundt
Federal Communications Commission
1919 M Street, NW, Room 814
Washington, DC 20554

* Commissioner James H. Quello
Federal Communications Commission
1919 M Street, NW, Room 802
Washington, DC 20554

* Commissioner Andrew C. Barrett
Federal Communications Commission
1919 M Street, NW, Room 826
Washington, DC 20554

* Commissioner Rachelle B. Chong
Federal Communications Commission
1919 M Street, NW, Room 844
Washington, DC 20554

* Commissioner Susan Ness
Federal Communications Commission
1919 M Street, NW, Room 832
Washington, DC 20554

* Michelle Farquhar, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, NY, Room 5002
Washington, DC 20554

* Ralph Haller, Deputy Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, NW, Room 5002
Washington, DC 20554

* Gerald Vaughan, Deputy Chief
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, NW, Room 5002
Washington, DC 20554

* Rosalind K. Allen, Associate Bureau Chief
Commercial Radio Division
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, NW, Room 5002
Washington, DC 20554

* David Furth, Acting Chief
Commercial Radio Division
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, NW, Room 7002
Washington, DC 20554

* Robert McNamara, Chief
Private Radio Division
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, NW, Room 5322
Washington, DC 20554

* John Cimko, Jr., Chief
Policy Division
Wireless Telecommunications Bureau
Federal Communications Commission
1919 M Street, NW, Room 644
Washington, DC 20554

* Regina Keeney, Chief
Common Carrier Bureau
Federal Communications Commission
1919 M Street, NW, Room 500
Washington, DC 20554

* William E. Kennard, Esq.
General Counsel
Federal Communications Commission
1919 M Street, NW, Room 614
Washington, DC 20554

Michael F. Altschul
Vice President, General Counsel
Cellular Telecommunications
Industry Association
1250 Connecticut Avenue, NW
Suite 200
Washington, DC 20036

Robert M. Gurss
Wilkes, Artis, Hedrick & Lane
Chartered
1666 K Street, NW
Suite 1100
Washington, DC 20006

James R. Hobson
Donelan, Cleary, Wood & Maser, P.C.
1100 New York Avenue, NW
Suite 750
Washington, DC 20005

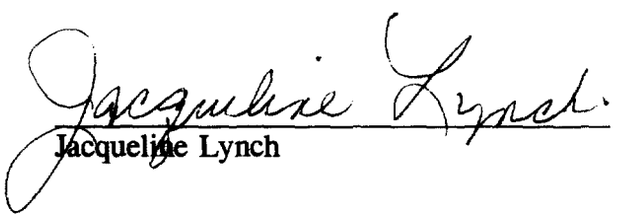
Mary A. Boyd, Chair
National Association of Nine One
One Administrators
333 Guadlupe Street
Suite 2-212
Austin, Texas 78701

Robert S. Foosaner, Esq.
Larry Krevor, Esq.
Nextel Communications, Inc.
800 Connecticut Avenue, NW, Suite 1001
Washington, DC 20006

Mary Brooner, Esq.
Motorola, Inc.
1350 Eye Street, NW, Suite 400
Washington, DC 20005

Emmett B. Kitchen
President
PCIA/NABER
1501 Duke Street, Suite 200
Alexandria, VA 22314

Mark Crosby
President and Managing Director
ITA/CICS
1110 North Glebe Road, Suite 500
Arlington, VA 22201



Jacqueline Lynch

* Via Hand-Delivery